

# Protecting people from illegal harms online

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Annex 8: Illegal Content Codes of Practice  
for search services

**DRAFT FOR CONSULTATION**

Published 9 November 2023

Closing date for responses: 23 February 2024



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# A1. Introduction

## Regulatory and legal framework

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- A1.1 Under the Online Safety Act 2023 (the ‘Act’), Ofcom is required to prepare and issue Codes of Practice (‘Codes’) for providers of Part 3 services, describing measures recommended for compliance with specified duties. This document contains Codes applying to the providers of regulated search services (and to the providers of combined services to the extent that the duties applicable to search services apply to them).
- A1.2 These Codes are for the purpose of compliance with:
- a) the illegal content safety duties (section 27);
  - b) so far as it relates to illegal content, the duty about content reporting (section 31); and
  - c) so far as it relates to the complaints set out in section 32(4), the duties about complaints procedures (section 32).
- A1.3 Ofcom must carry out its functions compatibly with the Human Rights Act 1998, including the rights to freedom of expression and privacy. In particular, any limitation on the right to freedom of expression must be prescribed by law, pursue a legitimate aim and be necessary in a democratic society. Any limitation on the right to privacy must be in accordance with the law, pursue a legitimate aim and be necessary in a democratic society. In order to be 'necessary', the restriction must correspond to a pressing social need, and it must be proportionate to the legitimate aim pursued. The legitimate aims pursued include national security, the prevention of crime, the protection of health and morals, and the protection of the rights of others. Ofcom has had careful regard to these rights in the development of our Codes, both in terms of proportionality and appropriate safeguards around users' freedom of expression and privacy.
- A1.4 Ofcom is preparing Codes in three phases, as relevant to the full list of duties set out in section 41(10) of the Act. Recommendations for the purpose of compliance with the children’s online safety duties (section 29) will be found in our Protection of Children Codes. Content reporting and complaints procedures, as regards content that is harmful to children specifically, may also feature in these Codes. Recommendations for the purpose of compliance with the duties about fraudulent advertising applying to the providers of Category 2A services (section 39) will be found in Codes relating to those duties.
- A1.5 These Codes of Practice:
- a) relate to the design, operation and use of a regulated search service or the search engine of a combined service—
    - i) in the United Kingdom, or
    - ii) as they affect United Kingdom users of the service or search engine; and
  - b) apply regardless of whether or not the person who provides the service is inside the United Kingdom.
- A1.6 These Codes come into force on [*in our final Codes, we will specify a day that is 21 days from the publication date*].

## Illegal content Codes of Practice

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- A1.7 Recommended measures for user-to-user services are set out separately in the accompanying Codes of Practice for user-to-user services.
- A1.8 While a small number of recommended measures apply to providers in relation to all relevant regulated services, including those provided by small and microbusinesses, the majority of our recommended measures apply only in relation to services that have identified certain risks or are of a certain size. The application of each recommendation is specified within the relevant measure, and an overview can be found in the **Index of recommended measures** in Chapter 2. The section headed 'Risk and risk of harm' (which begins at paragraph A8.4) explains how to interpret provisions relating to being 'at risk of' kinds of harm, and a definition of 'multi-risk' is included in the definitions section at the end of the Codes. The section headed 'User numbers' (which begins at paragraph A8.6) explains how to count users for those measures which apply in relation to services of a certain size, and definitions of 'large service' and 'large general search service' are included in the definitions section at the end of the Codes.
- A1.9 Ofcom is required to develop separate Codes for terrorism (arising from the offences set out in Schedule 5 to the Act), child sexual exploitation and abuse ('**CSEA**') (arising from the offences set out in Schedule 6 to the Act) and one or more Codes for the purpose of compliance with the relevant duties relating to illegal content and harms (except to the extent measures are included within the Codes for terrorism and CSEA). Many of our recommended measures apply to more than one illegal harm. To minimise duplication and simplify the regime for service providers, we have produced one document containing the Codes for terrorism, CSEA and other duties. We identify the relevant Code(s) for each measure, and an overview can be found in the **Index of recommended measures**.

## Enforcement of these Codes

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- A1.10 The recommended measures in these Codes apply to providers in respect of the regulated search service or search engine of the combined service that they provide. If a person is the provider of more than one regulated search service or combined service, the recommended measures in these Codes have effect in relation to each such service (so far as applicable). Each recommendation is accompanied by an 'application' section specifying the services in respect of which it applies.
- A1.11 The Act provides that service providers which implement measures recommended to them in these Codes will be treated as complying with the relevant duty or duties to which those measures relate. We have mapped our recommended measures against the relevant duties in the Index of recommended measures.
- A1.12 Where a service provider implements measures recommended to it in these Codes which include safeguards for the protection of freedom of expression and/or for the protection of users' privacy, the Act provides that they will also be treated as complying with the duties set out in section 33(2) (in respect of freedom of expression) and section 33(3) (in respect of privacy).
- A1.13 Service providers may seek to comply with a relevant duty in another way by adopting what the Act refers to as alternative measures. In doing so, service providers would also need to comply with the duty to have particular regard to the importance of protecting users' and

interested persons' rights to freedom of expression within the law, and of protecting the privacy of users.

- A1.14 Where they take alternative measures, service providers must also maintain a record of what they have done and how they consider that it meets the relevant duties, including how they have complied with the duty to have particular regard to the importance of protecting freedom of expression and privacy.
- A1.15 Alongside these Codes, please refer to our separate guidance on:
- a) **Risk assessment:** some of the measures in these Codes apply where a service provider has, through its risk assessment, identified a high- or medium- risk of harm on the service. We expect all service providers to conduct a suitable and sufficient risk assessment, referring to our guidance.
  - b) **Illegal content judgements:** service providers will need to understand what illegal content is, under the Act.
  - c) **Record-keeping:** under the Act, service providers are required to keep records of (1) steps that they have taken in accordance with these Codes, or (2) any alternative steps they are taking to comply with their duties.
  - d) **Enforcement:** to find out more about Ofcom's approach to enforcement, please refer to our Enforcement guidance.

## Other obligations on regulated service providers

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- A1.16 The recommendations in these Codes do not affect other regulatory and legislative requirements on providers of services regulated under the Act. They will also need to ensure that they comply with data protection law and, where relevant, the Privacy and Electronic Communications (EC Directive) Regulations 2003. Users' rights to data protection are covered by UK GDPR and the Data Protection Act 2018 which are enforced by the Information Commissioner's Office (the 'ICO'). The ICO has a range of data protection and PECR compliance guidance which services may wish to consult. Services likely to be accessed by children should also ensure they conform with the ICO's Children's code.

# A2. Using these Codes

## Structure of the Codes

- A2.1 Chapters of the Codes refer to the thematic area of the recommended measures – for example, if they relate to governance and accountability, or search moderation functions.
- A2.2 The application of a recommendation is set out in the section under the subheading ‘Application’ in each measure.
- A2.3 Definitions of terms in **bold** are set out in Chapter 8 (definitions and interpretation).
- A2.4 We have also provided a table below indexing the recommended measures according to:
  - a) the services in relation to which they apply;
  - b) the Codes in which they are included; and
  - c) the duties to which they relate.

## Index of recommended measures and which Code(s) they are in

Chapter	Recommended measure	Application	Relevant Codes	Relevant Duties
Governance and accountability	3A Annual review of risk management activities	<b>Large general search services.</b>	<ul style="list-style-type: none"> <li>• CSEA</li> <li>• Terrorism</li> <li>• Other duties</li> </ul>	Section 27, 31, 32
	3B Person accountable for illegal content safety duties and reporting and complaints duties	<b>All services.</b>		Section 27, 31, 32
	3C Written statements of responsibilities	<b>Large general search services or multi-risk services.</b>		Section 27, 31, 32

Chapter	Recommended measure	Application	Relevant Codes	Relevant Duties
	3D Internal monitoring and assurance	<b>Large services that are multi-risk services.</b>		Section 27, 31, 32
	3E Tracking evidence of new and increasing illegal harm	<b>Large general search services or multi-risk services.</b>		Section 27 (2), 27(3)
	3F Code of conduct regarding protection of users from illegal harm		Section 27, 31, 32	
	3G Staff compliance training		Section 27, 31, 32	
<b>Search moderation</b>	4A Having a search moderation function designed to deindex or downrank illegal content	<b>All services.</b>		Section 27(2), 27(3), 27(4)(d)
	4B Setting internal content policies	<b>Large general search services or multi-risk services.</b>	<ul style="list-style-type: none"> <li>• CSEA</li> <li>• Terrorism</li> <li>• Other duties</li> </ul>	Section 27(2), 27(3), 27(4)(d)
	4C Performance targets			Section 27(2), 27(3), 27(4)(d)
	4D Prioritisation			Section 27(2), 27(3), 27(4)(d)
	4E Resourcing			Section 27(2), 27(3), 27(4)(d), 27(4)(f)
	4F Provision of training and materials to moderators	Section 27(2), 27(3), 27(4)(d), 27(4)(f)		
	4G Deindexing CSAM URLs	<b>All general search services.</b>	<ul style="list-style-type: none"> <li>• CSEA</li> </ul>	Section 27(2), 27(3), 27(4)(d)
<b>Reporting and complaints</b>	5A Enabling complaints	<b>All services.</b>	<ul style="list-style-type: none"> <li>• CSEA</li> <li>• Terrorism</li> <li>• Other duties</li> </ul>	Section 32
	5B Having an easy to find, easy to access and easy to use complaints system			Section 31, 32

Chapter	Recommended measure	Application	Relevant Codes	Relevant Duties
	5C Appropriate action - sending indicative timelines			Section 32
	5D Appropriate action for relevant complaints about suspected illegal content			Section 32
	5E Appropriate action for relevant complaints which are appeals – determination			<b>Large general search services or multi-risk services and (separately) (ii) all other services.</b>
	5F Appropriate action for relevant complaints which are appeals – action following determination	<b>All services.</b>		Section 32
	5G Appropriate action for relevant complaints about proactive technology, which are not appeals			Section 32
	5H Appropriate action for all other relevant complaints			Section 32
	5I Dedicated reporting channels			<b>Large general search services</b> that are medium or high <b>risk</b> of fraud.
<b>Publicly available statements</b>	6A Substance of the statements	<b>All services.</b>	<ul style="list-style-type: none"> <li>• CSEA</li> <li>• Terrorism</li> <li>• Other duties</li> </ul>	Section 27(5),27(7),32(3)
	6B Clarity and accessibility			Section 27(8),32(3)
<b>Features, functionalities and user support</b>	7A Removal of predictive search suggestions	<b>Large general search services</b> that use a <b>predictive search functionality.</b>	<ul style="list-style-type: none"> <li>• CSEA</li> <li>• Terrorism</li> <li>• Other duties</li> </ul>	Section 27(2), 27(3)
	7B Provision of CSAM content warnings	<b>Large general search services.</b>	<ul style="list-style-type: none"> <li>• CSEA</li> </ul>	Section 27(2), 27(3)



Chapter	Recommended measure	Application	Relevant Codes	Relevant Duties
	7C Provision of suicide crisis prevention information		<ul style="list-style-type: none"> <li data-bbox="1429 264 1615 288">• Other duties</li> </ul>	Section 27(2), 27(3)

# A3. Governance and Accountability

## 3A. Annual review of risk management activities

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### Application

A3.1 This measure applies to a **provider** in respect of each **large general search service** it provides.

### Recommendation

A3.2 The **provider's** most senior **governance body** in relation to the **service** should carry out and record an annual review of risk management activities in relation to online safety, and how developing risks are being monitored and managed.

## 3B. Person accountable for illegal content safety duties and reporting and complaints duties

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### Application

A3.3 This measure applies to a **provider** in respect of each **service** it provides.

### Recommendation

A3.4 The **provider** should name a person accountable to the most senior **governance body** for compliance with the **illegal content safety duties** and the **reporting and complaints duties**.

A3.5 Being accountable means being required to explain and justify actions or decisions regarding online safety risk management and mitigation, and compliance with the relevant duties, to the most senior **governance body**.

## 3C. Written statements of responsibilities

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### Application

A3.6 This measure applies to a **provider** in respect of each **service** it provides that is either (or both) of the following:

- a) a **large general search service**; or
- b) a **multi-risk service**.

### Recommendation

A3.7 The **provider** should have written statements of responsibilities for senior members of staff who make decisions related to the management of online safety risks.

A3.8 A statement of responsibilities is a document which clearly shows the responsibilities that the senior manager performs in relation to online safety risk management and how they fit in with the **provider's** overall governance and management arrangements in relation to the **service**.

## 3D. Internal monitoring and assurance

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### Application

A3.9 This measure applies to a **provider** in respect of each **service** it provides that is both a **large service** and a **multi-risk service**.

### Recommendation

A3.10 The provider should have an internal monitoring and assurance function to provide independent assurance that measures taken to mitigate and manage the risks of harm to individuals identified in the **risk assessment** are effective on an ongoing basis, reporting to either:

- a) the body that is responsible for overall governance and strategic direction of a service; or
- b) an audit committee.

A3.11 This independent assurance may be provided by an existing internal audit function.

## 3E. Tracking evidence of new and increasing illegal harm

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### Application

A3.12 This measure applies to a **provider** in respect of each **service** it provides that is either (or both) of the following:

- a) a **large general search service**; or
- b) a **multi-risk service**.

### Recommendation

A3.13 The **provider** should track evidence of new kinds of **illegal content** on the **service**, and unusual increases in particular kinds of **illegal content** or **illegal content proxy**. Relevant evidence may include, but is not limited to, that derived from:

- a) complaints processes;
- b) search moderation processes;
- c) referrals from law enforcement; and
- d) information from **trusted flaggers** and any other expert group or body the **provider** considers appropriate.

A3.14 The **provider** should regularly report any new kinds of **illegal content** or unusual increases in particular kinds of **illegal content** or **illegal content proxy**, through relevant governance channels to the most senior **governance body**.

A3.15 To understand this, the **provider** should establish a baseline understanding of how frequently particular kinds of **illegal content** or **illegal content proxy** occur on the **service** to the extent possible based on its internal data and evidence. The **provider** should use this baseline to identify unusual increases in the relevant data.

## 3F. Code of conduct regarding protection of users from illegal harm

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### Application

A3.16 This measure applies to a **provider** in respect of each **service** it provides that is either (or both) of the following:

- a) a **large general search service**; or
- b) a **multi-risk service**.

### Recommendation

A3.17 The **provider** should have a Code of Conduct that sets standards and expectations for employees around protecting **users** from risks of **illegal harm**.

## 3G. Staff compliance training

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### Application

A3.18 This measure applies to a **provider** in respect of each **service** it provides that is either (or both) of the following:

- a) a **large general search service**; or
- b) a **multi-risk service**.

### Recommendation

A3.19 The **provider** should secure that staff involved in the design and operational management of the **service** are trained in the **service's** approach to compliance with the **illegal content safety duties** and the **reporting and complaints duties**, sufficiently to give effect to it.

A3.20 This does not affect Recommendation 4F (training and materials).

# A4. Search moderation

## 4A. Having a search moderation function designed to deindex or downrank illegal content

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### Application

A4.1 This measure applies to a **provider** in respect of each **service** it provides.

### Recommendation

A4.2 The **provider** should have systems or processes designed to **deindex** or **downrank illegal content** of which it is aware (a 'search moderation function').

A4.3 For this purpose, when the **provider** has reason to suspect that **search content** may be **illegal content**, the **provider** should either:

- a) make an illegal content judgement in relation to the **search content** and, if it determines that the **search content** is **illegal content**, **deindex** or **downrank** the **search content**; or
- b) where the **provider** is satisfied that its **publicly available statement** prohibits the types of **illegal content** which it has reason to suspect exist, consider whether the **search content** contravenes its **publicly available statement** and, if it does, **deindex** or **downrank** the **search content**.

A4.4 In considering whether to **deindex** or **downrank** the **search content** concerned, the **provider** should have regard to the following:

- a) the prevalence of **illegal content** hosted by the person responsible for the website or database concerned;
- b) the interests of **users** in receiving any lawful material that would be affected; and
- c) the severity of harmfulness of the **content**, including whether or not the content is **priority illegal content**.

A4.5 This does not affect Recommendation 4G (deindexing of CSAM URLs).

### Safeguards for freedom of expression

A4.6 The following measures, where applicable, are safeguards to protect users' and interested persons' rights to freedom of expression:

- a) Recommendation 4C (performance targets) so far as it relates to the accuracy of decision making;
- b) Recommendation 4F (training and materials); and
- c) Recommendations 5E(i), 5E(ii) and 5F (appeals).

## 4B. Setting internal content policies

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### Application

A4.7 This measure applies to a **provider** in respect of each **service** it provides that is either (or both) of the following:

- a) a **large general search service**; or
- b) a **multi-risk service**.

## Recommendation

- A4.8 The **provider** should set and record (but need not necessarily publish) internal content policies setting out rules, standards and guidelines around:
- a) what **search content** is allowed on the **service** and what is not; and
  - b) how policies should be operationalised and enforced.
- A4.9 The policies should be drafted in such a way that **illegal content** (where it is identifiable as such) is **deindexed** or **downranked** in accordance with Recommendation 4A (having a **search moderation function**).
- A4.10 In setting such policies, the **provider** should have regard to at least:
- a) the **risk assessment** of the **service**; and
  - b) information pertaining to the tracking of signals of emerging **illegal harm**.

## 4C. Performance targets

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### Application

- A4.11 This measure applies to a **provider** in respect of each **service** it provides that is either (or both) of the following:
- a) a **large general search service**; or
  - b) a **multi-risk service**.

### Recommendation

- A4.12 The **provider** should set and record performance targets for its **search moderation function**, covering at least:
- a) the time that **illegal content** remains on the service before it is **deindexed** or **downranked**; and
  - b) the accuracy of decision making.
- A4.13 In setting its targets, the **provider** should balance the desirability of **deindexing** or **downranking illegal content** swiftly against the desirability of making accurate moderation decisions.
- A4.14 The **provider** should effectively measure and monitor its performance against its performance targets.

## 4D. Prioritisation

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### Application

- A4.15 This measure applies to a provider in respect of each service it provides that is either (or both) of the following:
- a) a **large general search service**; or

- b) a **multi-risk service**.

## Recommendation

- A4.16 The **provider** should prepare and apply a policy in respect of the prioritisation of **search content** for review. In setting the policy, the **provider** should have regard at least to the following:
- a) how frequently **search requests** for the **search content** are made;
  - b) the potential severity of the **search content**: including whether the content is suspected to be **priority illegal content** and the **risk assessment** of the service; and
  - c) the likelihood that the **search content** is **illegal content**, including whether it has been reported by a **trusted flagger**.

## 4E. Resourcing

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### Application

- A4.17 This measure applies to a **provider** in respect of each service it provides that is either (or both) of the following:
- a) a **large general search service**; or
  - b) a **multi-risk service**.

### Recommendation

- A4.18 The **provider** should resource its **search moderation function** so as to give effect to its internal content policies and performance targets having regard to at least:
- a) the propensity for external events to lead to a significant increase in demand for search moderation on the **service**; and
  - b) the particular needs of its **United Kingdom user** base as identified in its **risk assessment**, in relation to languages.

## 4F. Provision of training and materials to moderators

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### Application

- A4.19 This measure applies to a **provider** in respect of each service it provides that is either (or both) of the following:
- a) a **large general search service**; or
  - b) a **multi-risk service**.

### Recommendation

- A4.20 The **provider** should ensure people working in search moderation receive training and materials that enable them to moderate in accordance with Recommendations 4A and 4B. This measure does not apply in relation to **volunteers**.
- A4.21 The **provider** should ensure that in doing so:

- a) it has regard to at least the **risk assessment** of the **service** and information pertaining to the tracking of signals of emerging **illegal harm**; and
- b) where the **provider** identifies a gap in moderators' understanding of a specific kind of **illegal harm**, it gives training and materials to remedy this.

## 4G. Deindexing of CSAM URLs

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### Application

A4.22 This measure applies to a **provider** in respect of each **general search service** it provides.

### Key definition

A4.23 In this Recommendation “CSAM URL” means a **URL** at which **CSAM** is present, or which includes a domain which is entirely or predominantly dedicated to **CSAM**,  
  
(and for this purpose a domain is “entirely or predominantly dedicated” to **CSAM** if the **content** present at the domain, taken overall, entirely or predominantly comprises **CSAM** (such as indecent images of children) or **content** related to **CSEA content**).

### Recommendation

A4.24 The **provider** should ensure that CSAM URLs are **deindexed**.

A4.25 An appropriate list of CSAM URLs should be sourced from a person with expertise in the identification of **CSAM**, who has arrangements in place to:

- a) identify suspected CSAM URLs;
- b) secure (so far as possible) that **URLs** at which **CSAM** is present, and domains which are entirely or predominantly dedicated to **CSAM**, are correctly identified before they are added to the list;
- c) regularly update the list with identified CSAM URLs;
- d) review CSAM URLs on the list, and remove any which are no longer CSAM URLs; and
- e) secure the list from unauthorised access, interference or exploitation (whether by persons who work for that person, or by any other person).

A4.26 The **provider** should ensure that the list is regularly monitored to:

- a) identify new CSAM URLs and take steps to **deindex** them; and
- b) identify CSAM URLs that have been removed from the list and reinsert them into the **search index**.

A4.27 Appropriate measures should be taken to secure any record of the list held for the purposes of this Recommendation from unauthorised access, interference or exploitation (whether by persons who work for the **provider** or are providing a service to the **provider**, or any other person).

### Safeguards for freedom of expression and privacy

A4.28 The arrangements specified in sub-paragraphs (b), (d) and (e) of paragraph A4.25, the action specified in sub-paragraph (b) of paragraph A4.26, and the measures mentioned in paragraph A4.27, are safeguards to protect users' and interested persons' rights to freedom of expression, and users' privacy.



# A5. Reporting and complaints

## 5A. Enabling complaints

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### Application

A5.1 This measure applies to a **provider** in respect of each **service** it provides.

### Recommendation

A5.2 The **provider** should have complaints processes which enable **United Kingdom users**, **affected persons** and **interested persons** to make each type of **relevant complaint** in a way which will secure that the **provider** will take appropriate action in relation to them.

## 5B. Having an easy to find, easy to access and easy to use complaints system

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### Application

A5.3 This measure applies to a **provider** in respect of each **service** it provides.

### Recommendation

A5.4 The provider's systems and processes for making relevant complaints should be operated to ensure that:

- a) for **relevant complaints** regarding a specific piece of **search content**, a reporting function or tool is clearly accessible in relation to that **search content**;
- b) processes for making other kinds of **relevant complaints** should be easy to find and easily accessible;
- c) the number of steps necessary (such as the number of clicks or navigation points) to submit (i) a **relevant complaint** using the reporting function or tool; and (ii) any other kind of **relevant complaint** are as few as is reasonably practicable; and
- d) **users**, **affected persons** and **interested persons** have the ability when making **relevant complaints** to provide the **provider** with relevant information or supporting material.

A5.5 In designing its complaints processes for **relevant complaints**, including its reporting tool or function, the **provider** should have regard to the particular needs of its **United Kingdom user** base as identified in its **risk assessment**. This should include the particular needs of:

- a) children (for services likely to be accessed by children and considering the likely age of the children using that service); and
- b) disabled people.

A5.6 For the purposes of paragraph A5.5(a), any written information for **users** comprised in the system or process should be comprehensible based on the likely reading age of the youngest person permitted to agree to the **service's publicly available statement**.

A5.7 For the purposes of paragraph A5.5(b), the system or process should be designed for the purposes of ensuring usability for those dependent on assistive technologies including:

- a) keyboard navigation; and
- b) screen reading technology.

## 5C. Appropriate action – sending indicative timelines

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### Application

A5.8 This measure applies to a **provider** in respect of each **service** it provides.

### Recommendation

A5.9 The **provider** should acknowledge receipt of each **relevant complaint** and provide the complainant with an indicative timeframe for deciding the complaint.

## 5D. Appropriate action for relevant complaints about suspected illegal content

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### Application

A5.10 This measure applies to a **provider** in respect of each **service** it provides.

### Recommendation

- A5.11 When the provider receives a relevant complaint about suspected illegal content:
- a) if the **provider** has established a process for search moderation prioritisation and applicable performance targets, it should handle the complaint in accordance with them;
  - b) if the **service** has no process for search moderation prioritisation and applicable performance targets it should consider the complaint promptly; and
  - c) in either case, it should act in accordance with Recommendation 4A (having a **search moderation function**) in relation to the suspected **illegal content**.

## 5E(i). Appropriate action for relevant complaints which are appeals – determination (large or multi-risk services)

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### Application

A5.12 This measure applies to a **provider** in respect of each **service** it provides that is either (or both) of the following:

- a) a **large general search service**; or
- b) a **multi-risk service**.

### Recommendation

A5.13 For the determination of **relevant complaints** which are **appeals**, the **provider** should set, and monitor its performance against, performance targets relating to at least the time it

takes to determine the **appeal** and the accuracy of decision making, and should resource itself so as to give effect to those targets.

A5.14 The **provider** should have regard to the following matters in determining what priority to give to review of a **relevant complaint** which is an **appeal**:

- a) the severity of the action taken against the **interested person** as a result of the decision that the **content** was **illegal content**;
- b) whether the decision that the **content** was **illegal content** was made by **proactive technology** and the likelihood of false positives generated by the specific **proactive technology** used; and
- c) the **service's** past error rate in making illegal content judgements of the type concerned.

## 5E(ii). Appropriate action for relevant complaints which are appeals – determination (services that are neither large nor multi-risk)

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### Application

A5.15 This measure applies to a **provider** in relation to a **service** that is neither a **large general search service** nor a **multi-risk service**.

### Recommendation

A5.16 The **provider** should determine **relevant complaints** which are **appeals** promptly.

## 5F. Appropriate action for relevant complaints which are appeals – action following determination

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### Application

A5.17 This measure applies to a **provider** in respect of each **service** it provides.

### Recommendation

A5.18 If, in relation to a **relevant complaint** that is an **appeal**, the **provider** reverses a decision that **search content** was **illegal content**, the **provider** should:

- a) restore the **search content** to the position it would have been in had it not been judged to be **illegal content**;
- b) where necessary to avoid similar errors in future, adjust the relevant moderation guidance; and
- c) where necessary to avoid similar errors in future, take such steps as are within its power to secure that the use of automated content moderation technology does not cause the same **search content** to be **deindexed** or **downranked** again.

## 5G. Appropriate action for relevant complaints about proactive technology, which are not appeals

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### Application

A5.19 This measure applies to a **provider** in respect of each **service** it provides.

### Recommendation

A5.20 This measure relates to **relevant complaints**, which are not **appeals**, about the use of **proactive technology** on the **service** when:

- a) the use of **proactive technology** on the **service** results in **search content** being **deindexed**, or **downranked**; and
- b) the **interested person** considers that the **proactive technology** has been used in a way not contemplated by, or in breach of, the **publicly available statement** (for example, by **deindexing** or **downranking search content** not of a kind specified in the **publicly available statement** as a kind of **search content** in relation to which the technology would operate).

A5.21 Where relevant, the **provider** should inform the complainant of their right, if they consider the **provider** to be in breach of contract, to bring proceedings.

## 5H. Appropriate action for all other relevant complaints

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### Application

A5.22 This measure applies to a **provider** in respect of each **service** it provides.

### Recommendation

A5.23 The **provider** should establish a triage process for **relevant complaints** with a view to protecting **users** and **interested persons** from harm, including harm to their rights. A responsible person, team or function should be nominated to lead this triage process and ensure **relevant complaints** reach the most relevant function or team.

A5.24 **Relevant complaints** should be dealt with:

- a) in a way that protects **users** and the **provider's** compliance with other applicable laws in question;
- b) within timeframes the **provider** has determined are appropriate; and
- c) in accordance with Recommendations 5D to 5G.

## 5I. Dedicated reporting channels

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### Application

A5.25 This measure applies to a **provider** in respect of each **service** it provides that is both a **large general search service** and at medium or high **risk** of fraud.

## Recommendation

- A5.26 The **provider** should establish and maintain a dedicated reporting channel in the circumstances set out in this Recommendation.
- A5.27 In this Recommendation, a '**trusted flagger**' is each of the following:
- a) HM Revenue and Customs (HMRC);
  - b) Department for Work and Pensions (DWP);
  - c) City of London Police (CoLP);
  - d) National Crime Agency (NCA);
  - e) National Cyber Security Centre (NCSC);
  - f) Dedicated Card Payment Crime Unit (DCPCU);
  - g) Financial Conduct Authority (FCA).
- A5.28 The **provider** should publish a clear and accessible policy on its processes relating to the establishment of a dedicated reporting channel for **trusted flaggers**, covering any relevant procedural matters. The policy should include a commitment from the **provider** to engage with a **trusted flagger** to understand its needs with respect to the dedicated reporting channel.
- A5.29 If a request is made in accordance with the policy by a **trusted flagger**, the **provider** should establish and maintain a dedicated reporting channel for fraud.
- A5.30 At least every two years, the **provider** should seek feedback from the **trusted flaggers** with which it has made such arrangements, on whether any reasonable adjustments or improvements might be made to the operation of the dedicated reporting channel.
- A5.31 Complaints from **trusted flaggers** received through the dedicated reporting channel relating to specific **search content** should be handled in accordance with Recommendations 4A to 4E (search moderation). **Providers** should ensure that complaints received through the dedicated reporting channel relating to other matters are handled as if they were **relevant complaints**, in accordance with Recommendation 5H (appropriate action for all other relevant complaints) and, where relevant, Recommendation 3E (tracking evidence of new and increasing illegal harm).

# A6. Publicly available statements

## 6A. Substance of the statements

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### Application

A6.1 These measures apply to a **provider** in respect of each **service** it provides.

### Recommendation

A6.2 The **provider** should include the following in its **publicly available statement**:

- a) provisions specifying how individuals are to be protected from **illegal content**.
- b) provisions giving information about any **proactive technology** used for the purposes of compliance with any of the **illegal content safety duties** (including the kind of technology, when it is used, and how it works);
- c) provisions specifying the policies and processes that govern the handling and resolution of **relevant complaints**.

## 6B. Clarity and accessibility

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### Application

A6.3 These measures apply to a **provider** in respect of each **service** it provides.

### Recommendation

A6.4 The **provider** should ensure that the provisions included in a **publicly available statement** in accordance with Recommendation 6A are:

- a) easy to find, such that they are:
  - i) clearly signposted for the general public, regardless of whether they have signed up to or are just using the service; and
  - ii) locatable within the **publicly available statement**;
- b) laid out and formatted in a way that helps users read and understand them;
- c) written to a reading age comprehensible for the youngest person permitted to use the service;
- d) designed for the purposes of ensuring usability for those dependent on assistive technologies including:
  - i) keyboard navigation; and
  - ii) screen reading technology.

# A7. Features, functionalities and user support

## 7A. Removal of predictive search suggestions

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### Application

A7.1 This measure applies to a **provider** in respect of each **large general search service** it provides that uses a **predictive search functionality**.

### Recommendation

A7.2 The **provider** should offer users a means to easily report **predictive search suggestions** which they consider to direct users towards **priority illegal content**.

A7.3 Where a report is received, the **provider** should:

- a) consider whether the wording of a reported **predictive search suggestion** presents a clear and logical risk of users encountering **illegal content**; and
- b) if a risk is identified, take appropriate steps to ensure that the reported **predictive search suggestion** is not recommended to any **user**.

## 7B. Provision of CSAM content warnings

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### Application

A7.4 This measure applies to a **provider** in respect of each **large general search service** it provides.

### Recommendation

A7.5 The **provider** should employ means to detect and provide warnings in response to **search requests** of which the wording clearly suggests that the **user** may be seeking to encounter **CSAM** and uses terms or combinations of letters and symbols that explicitly relate to **CSAM**. Warnings should not be provided in response to **search requests** using terms which, on their face, do not relate to **CSAM**.

A7.6 A warning should:

- a) be prominently displayed to **users** in the **search results**;
- b) be in writing or such other format as considered appropriate;
- c) be easy for **users** to understand; and
- d) provide the following:
  - i) information regarding the illegality of **CSAM**; and
  - ii) link(s) to resources designed to help users refrain from committing **CSEA offences** that are freely available through a reputable organisation dedicated to tackling child sexual abuse.

- A7.7 An appropriate list of search terms that meet the description in paragraph A7.5 should be developed and maintained by, or sourced from, a person with expertise in the terms commonly used to search for **CSAM**.
- A7.8 The **provider** should ensure that there are arrangements in place to ensure (so far as possible) that:
- a) search terms are correctly added to the list and, where a list is sourced from a third party, that only search terms that meet the description in paragraph A7.5 are used for the purposes of this measure;
  - b) the list is regularly updated to add and remove relevant search terms as necessary; and
  - c) the list is secured from unauthorised access, interference or exploitation (whether by persons who work for the relevant service or for the person from which the list is sourced, or otherwise).

## 7C. Provision of suicide crisis prevention information

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### Application

- A7.9 This measure applies to a **provider** in respect of each **large general search service** it provides.

### Recommendation

- A7.10 The **provider** should employ means to detect and provide crisis prevention information in response to **search requests** that contain:
- a) general queries regarding suicide; and
  - b) queries seeking specific, practical or instructive information regarding suicide methods.
- A7.11 The crisis prevention information should:
- a) be prominently displayed to users in the **search results**;
  - b) be easy for **users** to understand; and
  - c) provide the following:
    - i) a helpline associated with a reputable mental health or suicide prevention organisation; and
    - ii) link(s) to information and support that is freely available through a reputable mental health or suicide prevention organisation.



# A8. Definitions and interpretation

## Definitions

- A8.1 In these Codes, terms in **bold** have the meanings given below.<sup>1</sup>
- A8.2 Definitions which are taken from the **Act** are reproduced here for ease of reading, but marked in *italics* together with a reference to the relevant section number. In case of any conflict, between the **Act** and italicised definition, the definition in the Act takes precedence. Omission of any term defined in the **Act** from the list below is not intended to imply that it does not apply.
- A8.3 Where non-italicised terms are defined differently below than in the **Act**, the definition below applies.

Term	Meaning
<b>Act</b>	The Online Safety Act 2023.
<b>Affected person</b>	<i><b>Section 31(5)</b> A person, other than a user of the service in question, who is in the United Kingdom and who is—  b) the subject of the content, c) a member of a class or group of people with a certain characteristic targeted by the content, d) a parent of, or other adult with responsibility for, a child who is a user of the service or is the subject of the content, or e) an adult providing assistance in using the service to another adult who requires such assistance, where that other adult is a user of the service or is the subject of the content.</i>
<b>Appeal</b>	A complaint by an <b>interested person</b> if the <b>provider</b> takes or uses measures in order to comply with the <b>illegal content safety duties</b> that result in content relating to <b>that interested person</b> no longer appearing in <b>search results</b> or being given a lower priority in <b>search results</b> .
<b>Combined service</b>	<i><b>Section 4(7)</b> A regulated user-to-user service that includes a public search engine.</i>

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<sup>1</sup> In some cases, the terms defined in these Codes are also used in the Register of Risks. For the avoidance of doubt, the definitions set out in this section apply to the measures in these Codes.

Term	Meaning
<b>Content</b>	<p><b>Section 236(1)</b> Anything that is communicated by means of an internet service, whether publicly or privately, including written material or messages, oral communications, photographs, videos, visual images, music and data of any description.</p> <p>For the avoidance of doubt, comments, titles and descriptions are considered to be ‘content’ within this definition, as are livestreaming videos or audio, and hyperlinks.</p>
<b>CSAM (child sexual abuse material)</b>	<p>Content that amounts to an offence specified in any of the following paragraphs of Schedule 6 to the <b>Act</b>—</p> <ul style="list-style-type: none"> <li>a) paragraph 1 to 4, 7 or 8, or paragraph 10 so far as any of the inchoate offences relate to an offence specified in those paragraphs; or</li> <li>b) paragraph 9, or paragraph 13 so far as any of the inchoate offences relate to an offence specified in that paragraph.</li> </ul>
<b>CSEA content</b>	<p><b>Section 59(9)</b> Content that amounts to an offence specified in Schedule 6 [to the <b>Act</b>].</p>
<b>CSEA offence(s)</b>	<p>An offence specified in Schedule 6 to the <b>Act</b>.</p>
<b>Deindex or deindexing</b>	<p>Removing a <b>URL</b> from a <b>search index</b> such that it can no longer be presented to users in response to a <b>search request</b>.</p>
<b>Downrank or downranking</b>	<p>Altering the ranking algorithm such that a particular <b>URL</b> or other search content appear lower in the <b>search results</b> returned in response to a <b>search request</b>.</p>

Term	Meaning
<p><b>General search service</b></p>	<p>A <b>service</b> that enables users to search the internet by inputting <b>search requests</b>. It derives <b>search results</b> from an underlying <b>search index</b> and presents <b>search results</b> using algorithms that rank based on relevance to a <b>search request</b>.</p> <p>(For the avoidance of doubt, this term includes <b>combined services</b>, the public <b>search engine</b> part of which enables users to search the internet in the manner described above.)</p>
<p><b>Governance body</b></p>	<p>A body which makes decisions within an organisation. These may vary by organisation type and size, but boards of directors are commonly the most senior governance forums in corporations.</p>
<p><b>Illegal content</b></p>	<p><b>Section 59</b> <i>Content that amounts to a relevant offence.</i></p> <p><i>Content consisting of certain words, images, speech or sounds amounts to a relevant offence if—</i></p> <ul style="list-style-type: none"> <li><i>a) the use of the words, images, speech or sounds amounts to a relevant offence,</i></li> <li><i>b) the possession, viewing or accessing of the content constitutes a relevant offence, or</i></li> <li><i>c) the publication or dissemination of the content constitutes a relevant offence.</i></li> </ul> <p>In these Codes, a reference to <b>illegal content</b> is a reference to <b>search content</b> that is <b>illegal content</b>.</p> <p>(For guidance on determining when content ‘amounts to’ a relevant offence, refer to the Illegal Content Judgements Guidance.)</p>

Term	Meaning
Illegal content proxy	<p><b>Search content</b> that is <b>content</b> of a kind that:</p> <ul style="list-style-type: none"> <li>a) is not allowed by the <b>service's</b> internal content policies, where the <b>provider</b> is satisfied that <b>illegal content</b> is included within that kind of <b>content</b> (including but not limited to <b>priority illegal content</b>); or</li> <li>b) contravenes the <b>service's publicly available statement</b>, where the <b>provider</b> is satisfied that <b>illegal content</b> is included within that kind of <b>content</b> (including but not limited to <b>priority illegal content</b>).</li> </ul>
Illegal content safety duties	The duties in section 27 of the <b>Act</b> .
Illegal harm	Harms arising from <b>illegal content</b> .
<i>Interested person</i>	<p><b>Section 227(7)</b> <i>In relation to a search service or a combined service, means a person that is responsible for a website or database capable of being searched by the search engine, provided that— (a) in the case of an individual, the individual is in the United Kingdom; (b) in the case of an entity, the entity is incorporated or formed under the law of any part of the United Kingdom.</i></p>
<i>Internet service</i>	<p><b>Section 228(1)</b> <i>A service that is made available by means of the internet.</i></p> <p><i>[See also the rest of the section.]</i></p>
Large service	<p>A <b>service</b> which has more than 7 million <b>monthly United Kingdom users</b>.</p> <p>(See also paragraphs A8.6 to A8.10. In relation to a <b>combined service</b>, it should be noted that only the users of the public <b>search engine</b> of the <b>service</b> should be counted: see paragraph A8.8.)</p>

Term	Meaning
<b>Large general search service</b>	<p>A <b>general search service</b> which has more than 7 million <b>monthly United Kingdom users</b>.</p> <p>(See also paragraphs A8.6 to A8.10. In relation to a <b>combined service</b> that is a <b>general search service</b>, it should be noted that only the users of the public <b>search engine</b> of the <b>service</b> should be counted: see paragraph A8.8.)</p>
<b>Monthly (in relation to a number of United Kingdom users)</b>	See paragraphs A8.6 to A8.10.
<b>Multi-risk service</b>	<p>A <b>service</b> assessed as being at least medium risk in relation to at least two kinds of <b>priority offences</b> in accordance with the section headed 'Risk and risk of harm' below (which begins at paragraph A8.4).</p>
<b><i>Paid-for advertisements</i></b>	<p><b>Section 236</b> <i>an advertisement is a “paid-for advertisement” in relation to an internet service if—</i></p> <ul style="list-style-type: none"> <li><i>a) the provider of the service receives any consideration (monetary or non-monetary) for the advertisement (whether directly from the advertiser or indirectly from another person), and</i></li> <li><i>b) the placement of the advertisement is determined by systems or processes that are agreed between the parties entering into the contract relating to the advertisement.</i></li> </ul>
<b>Predictive search functionality</b>	<p>An algorithmic feature embedded in the search field through which a search service predicts a <b>user’s search request</b> and provides a list of <b>predictive search suggestions</b>.</p>
<b>Predictive search suggestions</b>	<p><b>Search request</b> suggested to users by means of a <b>predictive search functionality</b>.</p>
<b><i>Priority illegal content</i></b>	<p><b>Section 59(10)</b> <i>(a) terrorism content, (b) CSEA content, and (c) content that amounts to an offence specified in Schedule 7.</i></p>
<b>Priority offences</b>	<p>The offences set out in Schedules 5, 6 and 7 to the <b>Act</b>.</p>

**Proactive technology**

**Section 231**

*Means—*

- a) content identification technology*
- b) user profiling technology, or*
- c) behaviour identification technology,*
- d) but this is subject to subsections (3) and (7).*

*(2) “Content identification technology” means technology, such as algorithms, keyword matching, image matching or image classification, which analyses content to assess whether it is content of a particular kind (for example, illegal content).*

*(3) But content identification technology is not to be regarded as proactive technology if it is used in response to a report from a user or other person about particular content.*

*(4) “User profiling technology” means technology which analyses (any or all of)—*

- a) relevant content*
- b) user data, or*
- c) metadata relating to relevant content or user data,*
- d) for the purposes of building a profile of a user to assess characteristics such as age.*

*(5) Technology which—*

- a) analyses data specifically provided by a user for the purposes of the provider assessing or establishing the user’s age in order to decide whether to allow the user to access a service (or part of a service) or particular content, and*
- b) does not analyse any other data or content, is not to be regarded as user profiling technology.*

*(6) “Behaviour identification technology” means technology which analyses (any or all of)—*

- a) relevant content,*
- b) user data, or*
- c) metadata relating to relevant content or user data,*

Term	Meaning
	<p><i>to assess a user's online behaviour or patterns of online behaviour (for example, to assess whether a user may be involved in, or be the victim of, illegal activity).</i></p> <p><i>(7) But behaviour identification technology is not to be regarded as proactive technology if it is used in response to concerns identified by another person or an automated tool about a particular user.</i></p> <p><i>[See also the rest of the section.]</i></p>
<b>Provider</b>	A provider of a <b>service</b> .
<b>Publicly available statement</b>	<p>The statement that <b>providers</b> are required to make available to members of the public in the United Kingdom pursuant to section 27 of the <b>Act</b>.</p> <p>In relation to a <b>combined service</b>, references to a publicly available statement include the service's terms of service (consistent with section 25(2)(a) of the <b>Act</b>).</p>
<b>Recognised news publisher</b>	An entity defined in <b>section 56</b> of the <b>Act</b> .
<b>Regulated search service</b>	An internet service that is, or includes, a <b>search engine</b> (subject to section 3(5) to (7) of the <b>Act</b> ) that is a regulated search service under section 4 of the <b>Act</b> (subject to the disapplication in section 5 of the <b>Act</b> ).

Term	Meaning
<p><b>Relevant complaints</b></p>	<p>The following kinds of complaint:</p> <ul style="list-style-type: none"> <li>a) complaints (including <b>reports</b>) by <b>users</b> and <b>affected persons</b> about <b>search content</b> which they consider to be <b>illegal content</b>;</li> <li>b) complaints by <b>users</b> and <b>affected persons</b> if they consider that the <b>provider</b> is not complying with a duty set out in— <ul style="list-style-type: none"> <li>ii) section 27 (illegal content),</li> <li>iii) section 31 (content reporting), or</li> <li>iv) section 33 (freedom of expression and privacy);</li> </ul> </li> <li>c) complaints by an <b>interested person</b> if the <b>provider</b> of a search service takes or uses measures in order to comply with a duty set out in section 27 that result in <b>content</b> relating to that <b>interested person</b> no longer appearing in <b>search results</b> or being given a lower priority in <b>search results</b>;</li> <li>d) complaints by an <b>interested person</b> if— <ul style="list-style-type: none"> <li>i) the use of <b>proactive technology</b> on a search service results in content relating to that <b>interested person</b> no longer appearing in search results or being given a lower priority in <b>search results</b>, and</li> <li>ii) the <b>interested person</b> considers that the <b>proactive technology</b> has been used in a way not contemplated by, or in breach of, the <b>provider's</b> policies on its use (for example, by affecting <b>content</b> not of a kind specified in those policies as a kind of <b>content</b> in relation to which the technology would operate).</li> </ul> </li> </ul>
<p><b>Reporting and complaints duties</b></p>	<p>The duties in sections 31 and 32 of the <b>Act</b>.</p>



Term	Meaning
<b>Reports</b>	Complaints by <b>users</b> and <b>affected persons</b> about <b>search content</b> which they consider to be <b>illegal content</b> , made using a reporting function or tool provided by the <b>service</b> .
<b>Risk</b>	Shall be interpreted in accordance with the section headed 'Risk and risk of harm' below (which begins at paragraph A8.4).
<b>Risk assessment</b>	The most recent risk assessment carried out by the <b>provider</b> pursuant to section 26 of the <b>Act</b> .

Term	Meaning
<b>Search content</b>	<p><b>Section 57(2)</b> Content that may be encountered in or via search results of a search service, except—</p> <ul style="list-style-type: none"> <li>a) <i>paid-for advertisements,</i></li> <li>b) <i>content on the website of a recognised news publisher, and</i></li> <li>c) <i>content that—</i> <ul style="list-style-type: none"> <li>i) <i>reproduces in full an article or written item that was originally published by a recognised news publisher (and is not a screenshot or photograph of that article or item or of part of it),</i></li> <li>ii) <i>is a recording of an item originally broadcast by a recognised news publisher (and is not an excerpt of such a recording), or</i></li> <li>iii) <i>is a link to a full article or written item originally published by a recognised news publisher, or to a full recording of an item originally broadcast by a recognised news publisher.</i></li> </ul> </li> </ul> <p>(5) The reference to encountering content “via search results”—</p> <ul style="list-style-type: none"> <li>a) <i>is to encountering content as a result of interacting with search results (for example, by clicking on them);</i></li> <li>b) <i>does not include a reference to encountering content as a result of subsequent interactions with an internet service other than the search service.</i></li> </ul>

Term	Meaning
<b>Search engine</b>	<p><b>Section 229</b></p> <p>a) <i>includes a service or functionality which enables a person to search some websites or databases (as well as a service or functionality which enables a person to search (in principle) all websites or databases);</i></p> <p>b) <i>does not include a service which enables a person to search just one website or database.</i></p>
<b>Search index</b>	A collection of <b>URLs</b> that are obtained by deploying crawlers to find content across the web, which is subsequently stored and organised.
<b>Search moderation function</b>	Systems or processes designed to <b>deindex</b> or <b>downrank illegal content</b> of which a <b>service</b> is aware (and related expressions are to be read accordingly).
<b>Search or search request</b>	<b>Section 57(4)</b> <i>Search by any means, including by input of text or images or by speech, and references to a search request are to be construed accordingly.</i>
<b>Search results</b>	<b>Section 57(3)</b> <i>in relation to a search service, means content presented to a user of the service by operation of the search engine in response to a search request made by the user.</i>
<b>Service</b>	<p>A <b>regulated search service</b> or a <b>combined service</b>, to the extent that the <b>illegal content safety duties</b> or the <b>reporting and complaints duties</b> apply in relation to such a service by virtue of section 7(6) of the <b>Act</b>.</p> <p>This includes (but is not limited to) <b>general search services</b> and <b>vertical search services</b>.</p>
<b>Trusted flagger</b>	Save as defined in Recommendation 5I for the purposes of that measure, means an entity set out in Recommendation 5I for which the provider has established a dedicated reporting channel.

Term	Meaning
<b>United Kingdom user</b>	<p><b>Section 227(1)</b></p> <ul style="list-style-type: none"> <li>a) where the user is an individual, the individual is in the United Kingdom;</li> <li>b) where the user is an entity, the entity is incorporated or formed under the law of any part of the United Kingdom.</li> </ul>
<b>URL</b>	<p>Uniform Resource Locator, meaning a reference that specifies the location of a resource accessible by means of the internet.</p>
<b>User</b>	<p><b>Section 227</b></p> <p>(1) [See definition of <b>United Kingdom user</b> above]</p> <p>(2) For the purposes of references in this Act to a user of a service it does not matter whether a person is registered to use a service.</p> <p>(3) References in this Act to a user of a service do not include references to any of the following when acting in the course of the provider’s business—</p> <ul style="list-style-type: none"> <li>a) where the provider of the service is an individual or individuals, that individual or those individuals;</li> <li>b) where the provider is an entity, officers of the entity;</li> <li>c) persons who work for the provider (including as employees or volunteers);</li> <li>d) any other person providing a business service to the provider such as a contractor, consultant or auditor.</li> </ul> <p>(4) [defines “acting in the course of the provider’s business”]</p> <p>(5) [defines “service”]</p> <p>(6) [defines “officer”]</p>

Term	Meaning
<b>Vertical search service</b>	A <b>service</b> that enables users to search for specific topics, or products or services offered by third party providers. Unlike <b>general search services</b> , they do not return <b>search results</b> based on an underlying <b>search index</b> . Rather, they use an API or equivalent technical means to directly query selected websites or databases with which they have a contract, and to return <b>search results to users</b> .
<b>Volunteer</b>	A person involved in search moderation who, in relation to that involvement, is not: <ul style="list-style-type: none"> <li>a) employed by the provider or anyone else,</li> <li>b) remunerated, or</li> <li>c) acting by way of a business.</li> </ul>

## Risk and risk of harm

A8.4 A service is at medium or high risk of a kind of illegal harm specified in the table if the **risk assessment** of the service identified a medium or high risk (as the case may be) in relation to the offences (taken together) specified in the table in relation to that harm, including (where relevant) as further specified in the table.

A8.5 In relation to each priority offence listed in rows 2 to 16, the offence also includes the priority offences of encouraging, assisting, conspiring to commit, aiding, abetting, counselling, procuring, attempting, or, (in Scotland), inciting or being involved art and part in the commission of that offence. The offences are priority offences unless otherwise specified.

	Kind of illegal harm	Offences
<b>1.</b>	Terrorism	An offence specified in Schedule 5 to the Act.
<b>2.</b>	CSAM	An offence specified in any of paragraphs 1 to 4, 7, 8 or 10 of Schedule 6 to the Act.
<b>3.</b>	Grooming	An offence specified in any of paragraphs 5, 6, 11 or 12 of Schedule 6 to the Act.
<b>4.</b>	Encouraging or assisting suicide (or attempted suicide) or serious self-harm	An offence under: <ul style="list-style-type: none"> <li>(a) section 2 of the Suicide Act 1961 (assisting suicide etc);</li> <li>(b) section 13 of the Criminal Justice Act (Northern Ireland) 1966 (c. 20 (N.I.)) (assisting suicide etc);</li> <li>(c) section 184 of the Online Safety Act 2023 (a relevant non-priority offence).</li> </ul>

	Kind of illegal harm	Offences
5.	Hate	<p>An offence under any of the following provisions of the Public Order Act 1986—</p> <p>(a) section 18 (use of words or behaviour or display of written material);</p> <p>(b) section 19 (publishing or distributing written material);</p> <p>(c) section 21 (distributing, showing or playing a recording);</p> <p>(d) section 29B (use of words or behaviour or display of written material);</p> <p>(e) section 29C (publishing or distributing written material);</p> <p>(f) section 29E (distributing, showing or playing a recording).</p> <p>An offence under any of the following provisions of the Crime and Disorder Act 1998—</p> <p>(a) section 31 (racially or religiously aggravated public order offences);</p> <p>(b) section 32 (racially or religiously aggravated harassment etc).</p> <p>An offence under section 50A of the Criminal Law (Consolidation) (Scotland) Act 1995 (racially-aggravated harassment).</p>

	Kind of illegal harm	Offences
6.	Harassment, stalking, threats and abuse	<p>An offence under section 16 of the Offences against the Person Act 1861 (threats to kill).</p> <p>An offence under any of the following provisions of the Public Order Act 1986—</p> <p>(a) section 4 (fear or provocation of violence);</p> <p>(b) section 4A (intentional harassment, alarm or distress);</p> <p>(c) section 5 (harassment, alarm or distress).</p> <p>An offence under any of the following provisions of the Protection from Harassment Act 1997—</p> <p>(a) section 2 (harassment);</p> <p>(b) section 2A (stalking);</p> <p>(c) section 4 (putting people in fear of violence);</p> <p>(d) section 4A (stalking involving fear of violence or serious alarm or distress).</p> <p>An offence under any of the following provisions of the Protection from Harassment (Northern Ireland) Order 1997 (S.I. 1997/1180 (N.I. 9))—</p> <p>(a) Article 4 (harassment);</p> <p>(b) Article 6 (putting people in fear of violence).</p> <p>An offence under any of the following provisions of the Criminal Justice and Licensing (Scotland) Act 2010 (asp 13)—</p> <p>(a) section 38 (threatening or abusive behaviour);</p> <p>(b) section 39 (stalking).</p>
7.	Controlling or coercive behaviour	An offence under section 76 of the Serious Crime Act 2015 (controlling or coercive behaviour in an intimate or family relationship).
8.	Drugs and psychoactive substances	<p>An offence under any of the following provisions of the Misuse of Drugs Act 1971—</p> <p>(a) section 4(3) (unlawful supply, or offer to supply, of controlled drugs);</p> <p>(b) section 9A (prohibition of supply etc of articles for administering or preparing controlled drugs);</p> <p>(c) section 19 (inciting any other offence under that Act).</p> <p>An offence under section 5 of the Psychoactive Substances Act 2016 (supplying, or offering to supply, a psychoactive substance).</p>

9.	Firearms and other weapons	<p>An offence under section 1(1) or (2) of the Restriction of Offensive Weapons Act 1959 (sale etc of flick knife etc).</p> <p>An offence under any of the following provisions of the Firearms Act 1968—</p> <p>(a) section 1(1) (purchase etc of firearms or ammunition without certificate);</p> <p>(b) section 2(1) (purchase etc of shot gun without certificate);</p> <p>(c) section 3(1) (dealing etc in firearms or ammunition by way of trade or business without being registered);</p> <p>(d) section 3(2) (sale etc of firearms or ammunition to person other than registered dealer);</p> <p>(e) section 5(1), (1A) or (2A) (purchase, sale etc of prohibited weapons);</p> <p>(f) section 21(5) (sale etc of firearms or ammunition to persons previously convicted of crime);</p> <p>(g) section 22(1) (purchase etc of firearms or ammunition by person under 18);</p> <p>(h) section 24 (supplying firearms to minors);</p> <p>(i) section 24A (supplying imitation firearms to minors).</p> <p>An offence under any of the following provisions of the Crossbows Act 1987—</p> <p>(a) section 1 (sale and letting on hire of crossbow);</p> <p>(b) section 2 (purchase and hiring of crossbow).</p> <p>An offence under any of the following provisions of the Criminal Justice Act 1988—</p> <p>(a) section 141(1) or (4) (sale etc of offensive weapons);</p> <p>(b) section 141A (sale of knives etc to persons under 18).</p> <p>An offence under any of the following provisions of the Criminal Justice (Northern Ireland) Order 1996 (S.I. 1996/3160 (N.I. 24))—</p> <p>(a) Article 53 (sale etc of knives);</p> <p>(b) Article 54 (sale of knives etc to minors).</p> <p>An offence under any of the following provisions of the Knives Act 1997—</p> <p>(a) section 1 (unlawful marketing of knives);</p> <p>(b) section 2 (publication of material in connection with marketing of knives).</p> <p>An offence under any of the following provisions of the Firearms (Northern Ireland) Order 2004 (S.I. 2004/702 (N.I. 3))—</p>
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	Kind of illegal harm	Offences
		<p>(a) Article 24 (sale etc of firearms or ammunition without certificate);</p> <p>(b) Article 37(1) (sale etc of firearms or ammunition to person without certificate etc);</p> <p>(c) Article 45(1) or (2) (purchase, sale etc of prohibited weapons);</p> <p>(d) Article 63(8) (sale etc of firearms or ammunition to people who have been in prison etc);</p> <p>(e) Article 66A (supplying imitation firearms to minors).</p> <p>An offence under section 36(1)(c) or (d) of the Violent Crime Reduction Act 2006 (sale etc of realistic imitation firearms).</p> <p>An offence under any of the following provisions of the Air Weapons and Licensing (Scotland) Act 2015 (asp 10)—</p> <p>(a) section 2 (requirement for air weapon certificate);</p> <p>(b) section 24 (restrictions on sale etc of air weapons).</p>
10.	Unlawful immigration and human trafficking	<p>An offence under any of the following provisions of the Immigration Act 1971—</p> <p>(a) section 24(A1), (B1), (C1) or (D1) (illegal entry and similar offences);</p> <p>(b) section 25 (assisting unlawful immigration).</p> <p>An offence under section 2 of the Modern Slavery Act 2015 (human trafficking).</p> <p>An offence under section 1 of the Human Trafficking and Exploitation (Scotland) Act 2015 (asp 12) (human trafficking).</p> <p>An offence under section 2 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 (c. 2 (N.I.)) (human trafficking).</p>
11.	Sexual exploitation of adults	<p>An offence under any of the following provisions of the Sexual Offences Act 2003—</p> <p>(a) section 52 (causing or inciting prostitution for gain);</p> <p>(b) section 53 (controlling prostitution for gain).</p> <p>An offence under any of the following provisions of the Sexual Offences (Northern Ireland) Order 2008 (S.I. 2008/1769 (N.I. 2))—</p> <p>(a) Article 62 (causing or inciting prostitution for gain);</p> <p>(b) Article 63 (controlling prostitution for gain).</p>
12.	Extreme pornography	<p>An offence under section 63 of the Criminal Justice and Immigration Act 2008 (possession of extreme pornographic images).</p>

	Kind of illegal harm	Offences
13.	Intimate image abuse	<p>An offence under section 33 of the Criminal Justice and Courts Act 2015 (disclosing, or threatening to disclose, private sexual photographs and films with intent to cause distress) [OR, if section 188 of the Online Safety Act is brought into force and Schedule 7 to the Act is amended accordingly before we issue our final document, section 66B of the Sexual Offences Act 2003].</p> <p>An offence under section 2 of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016 (asp 22) (disclosing, or threatening to disclose, an intimate photograph or film).</p>
14.	Proceeds of crime	<p>An offence under any of the following provisions of the Proceeds of Crime Act 2002—</p> <p>(a) section 327 (concealing etc criminal property);</p> <p>(b) section 328 (arrangements facilitating acquisition etc of criminal property);</p> <p>(c) section 329 (acquisition, use and possession of criminal property).</p>
15.	Fraud (and financial services)	<p>An offence under any of the following provisions of the Fraud Act 2006—</p> <p>(a) section 2 (fraud by false representation);</p> <p>(b) section 4 (fraud by abuse of position);</p> <p>(c) section 7 (making or supplying articles for use in frauds);</p> <p>(d) section 9 (participating in fraudulent business carried on by sole trader etc).</p> <p>An offence under section 49(3) of the Criminal Justice and Licensing (Scotland) Act 2010 (articles for use in fraud).</p> <p>An offence under any of the following provisions of the Financial Services and Markets Act 2000—</p> <p>(a) section 23 (contravention of prohibition on carrying on regulated activity unless authorised or exempt);</p> <p>(b) section 24 (false claims to be authorised or exempt);</p> <p>(c) section 25 (contravention of restrictions on financial promotion).</p> <p>An offence under any of the following provisions of the Financial Services Act 2012—</p> <p>(a) section 89 (misleading statements);</p> <p>(b) section 90 (misleading impressions).</p>
16.	Foreign interference offence	<p>An offence under section 13 of the National Security Act 2023 (foreign interference).</p>

## User numbers

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- A8.6 This section applies for the purpose of determining whether a **service** is to be treated as having more than a particular number of monthly **United Kingdom users**.
- A8.7 A **service** is to be so treated from such time as the number of monthly **United Kingdom users** of the **search engine** of the **service** is more than the number in question.
- A8.8 The **service** is to continue to be so treated until such time as the number of monthly **United Kingdom users** of the **search engine** of the **service** is at or below the specified number for a continuous period of six months.
- A8.9 Paragraph A8.7 may apply again to a **service** that has ceased to be so treated in accordance with paragraph A8.8.
- A8.10 The number of monthly **United Kingdom users** of the **search engine** of the **service** is the mean number of **United Kingdom users** per month, calculated for:
- a) the period of 12 months ending with the month preceding the time in question; or
  - b) if the **service** not been in operation for that period, the period for which the **service** has operated.